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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,720	05/23/2000	John J. Burns	FEL-001P	3128

7590

08/26/2003

J M Robertson
233 South Pine Street
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EXAMINER

PRATT, CHRISTOPHER C

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

ASB

Office Action Summary	Application No. 09/576,720	Applicant(s) JOHN J. BURNS ET AL	
	Examiner Christopher C Pratt	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al (6287407B1) in view of Brooks et al (3683921).

Stein is concerned with the creation of a nonwoven composite structure comprising a plurality of layers of needle-punched nonwoven fabric (abstract). Said composite comprising an adhesive nonwoven layer disposed between outer nonwoven layers (col. 2, lines 9-18). Stein further teaches mechanical entanglement (col. 3, lines 52-54). Stein is silent with respect to the length of the fibers.

Brooks is concerned with the creation of a nonwoven composite structure comprising a plurality of layers of nonwoven fabric, wherein said composite is bonded by both an adhesive fabric and mechanical entanglement (col. 8, lines 63-65). Brooks teaches the desirability of staple fibers (col. 3, lines 26-27). It would have been obvious to a person having ordinary skill in the art to utilize staple fibers in Stein's composite. Such a combination would have been motivated by the desire to successfully practice the invention of Stein.

Stein does not expressly teach a plurality of adhesive layers. Stein does, however, teach that "at least" two layers are used, implying that multiple layers can be

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added to the composite (abstract). Brooks teaches that multiple layers of adhesive fabrics may be used in such composites (col. 4, lines 16-24). It would have been obvious to a person having ordinary skill in the art to add multiple layers to the composite of Stein. Such an addition would have been motivated by the desire to create a heavier weight composite (col. 3, lines 1-6).

Stein is silent with respect to the thickness and density of the composite. It would have been obvious to a person having ordinary skill in the art to increase the thickness by the desire to increase the absorbent capability of the composite. Similarly, it would have been obvious to modify the density of the composite in order to optimize the absorbent properties of the composite.

Stein is silent with respect to the composition and denier of the fibers. Brooks teaches applicant's claimed polymers and denier (col. 3, lines 10-16 and 53-60; col. 4, lines 53-62).

Stein teaches the use of a nonwoven fabric, but doesn't specify the structure of the fabric. Brooks teaches an adhesive fabric comprising a nonwoven scrim netting (col. 4, lines 51 and 65). It would have been obvious to a person having ordinary skill in the art to utilize the scrim material of Brooks as the nonwoven fabric of Stein. Such a modification would have been motivated by the desire to use a fabric that allows fibers of the outer layers to easily penetrate it and thereby increasing the bonding strength of the composite. Activation of a meltable scrim would inherently create a discontinuous bonding pattern.

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With respect to claim 32, Brooks teaches the intersections of the filaments of the scrim to be integral, which is an identical composition to a spunbond material.

Conclusion

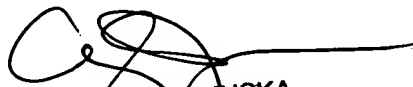
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Pratt whose telephone number is 703-305-6559. The examiner can normally be reached on Monday - Friday from 7 am to 4 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Christopher C. Pratt
August 14, 2003



CHERYLA A. JUSKA
PRIMARY EXAMINER